



General Assembly

February Session, 2006

***Raised Bill No. 5053***

LCO No. 638

\*00638\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING REFORM OF THE STATE CONTRACTING PROCESS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) For purposes of sections 2 to  
2       10, inclusive, 14 and 15 of this act:

3       (1) "Procurement" means contracting for, buying, purchasing,  
4       renting, leasing or otherwise acquiring or disposing of, any supplies,  
5       services, including but not limited to, contracts for purchase of services  
6       and personal service agreements, interest in real property, or  
7       construction, and includes all government functions that relate to such  
8       activities, including best value selection and qualification based  
9       selection.

10       (2) "Emergency procurement" means procurement by a state agency  
11       that is made necessary by a sudden, unexpected occurrence that poses  
12       a clear and imminent danger to public safety or requires immediate  
13       action to prevent or mitigate the loss or impairment of life, health,  
14       property or essential public services or in response to a court order,

15 settlement agreement or other similar legal judgment.

16 (3) "Best value selection" means a contract selection process in which  
17 the award of a contract is based on a combination of quality and cost  
18 considerations.

19 (4) "Qualification based selection" means a contract selection process  
20 in which the award of a contract is primarily based on an assessment  
21 of contractor qualifications and on the negotiation of a fair and  
22 reasonable price.

23 (5) "State contracting agency" means any state agency or political  
24 subdivision of the state, other than the State Contracting Standards  
25 Board, as established pursuant to section 2 of this act, that is  
26 authorized by law to enter into contracts, including, but not limited to,  
27 any quasi-public agency, as defined in section 1-120 of the general  
28 statutes, and any state agency, as defined in section 4a-50 of the  
29 general statutes, that receives state funds. State contracting agency  
30 does not include the Judicial Department or the Joint Committee on  
31 Legislative Management.

32 (6) "Contractor" means any person or entity bidding on, submitting  
33 a proposal for, applying for or participating as a subcontractor for, a  
34 transaction, procurement or contract described in section 3 of this act,  
35 including, but not limited to, a small contractor, minority business  
36 enterprise, organization providing products and services by persons  
37 with disabilities, as described in section 17b-656 of the general statutes,  
38 and an individual with a disability, as defined in section 4a-60g of the  
39 general statutes.

40 (7) "Contract risk assessment" means (A) the identification and  
41 evaluation of loss exposures and risks, including, but not limited to,  
42 business and legal risks associated with the contracting process and  
43 the contracted goods and services, and (B) the identification,  
44 evaluation and implementation of measures available to minimize  
45 potential loss exposures and risks.

46 (8) "Privatization contract" means an agreement or series of  
47 agreements between a state contracting agency and a person, in which  
48 such person agrees to provide services valued at five hundred  
49 thousand dollars or more over the life of the contract that are  
50 substantially similar to and in lieu of services provided, in whole or in  
51 part, by employees of such agency or by employees of another state  
52 agency for such state agency. "Privatization contract" does not include  
53 an agreement to only provide legal services, litigation support or  
54 management or financial consulting.

55 (9) "Comparative costs" means a comparison of the costs of entering  
56 into a privatization contract to the costs of the state providing the  
57 services that are the subject of the privatization contract, using a  
58 comparative costs methodology.

59 (10) "Comparative costs analysis" means an examination of all direct  
60 and indirect costs to the state and an examination of the effect of a  
61 proposed privatization contract on the public health and safety of  
62 residents of the state who may utilize such privatized service.

63 (11) "Purchase of service agreement" means any contract between a  
64 state agency and a nonprofit agency, partnership or corporation for the  
65 purchase by the state of ongoing and routine health and human  
66 services for clients of the Departments of Social Services, Children and  
67 Families, Mental Retardation, Mental Health and Addiction Services,  
68 Public Health and Correction which is overseen by the Office of Policy  
69 and Management.

70 (12) "Rebidding" means a state contracting agency's requesting of  
71 proposals or qualifications for a contract to provide goods or services  
72 that are specific to an existing facility or program provided such goods  
73 or services are being provided under a contract in effect as of the  
74 effective date of this section.

75 (13) "Established wage rate" means a minimum wage rate for  
76 employee positions with duties that are substantially similar to the

77 duties performed by a regular agency, which rate shall be the lesser of  
78 step one of the grade or classification under which the comparable  
79 regular agency employee is paid, or the standard private sector wage  
80 rate for said position, as determined by the Labor Commissioner in  
81 accordance with section 31-57f of the general statutes and shall include  
82 a percentage representing the normal costs of health care and pension  
83 benefits for comparable state employees hired at the time of the  
84 contract.

85       Sec. 2. (NEW) (*Effective from passage*) (a) There is established a State  
86 Contracting Standards Board that shall consist of nine members  
87 appointed as follows: Five members shall be appointed by the  
88 Governor, two members shall be appointed by the speaker of the  
89 House of Representatives and two members shall be appointed by the  
90 president pro tempore of the Senate whenever the Governor is of a  
91 different political party than that which controls both houses of the  
92 General Assembly; five members shall be appointed by the Governor  
93 and four members appointed by the highest ranking leader of the  
94 opposing party of the applicable house of the General Assembly  
95 whenever the political party of the Governor also controls only one of  
96 the houses of the General Assembly; five members shall be appointed  
97 by the Governor, two members by the minority leader of the House of  
98 Representatives and two members by the minority leader of the Senate  
99 whenever the political party of the Governor controls both houses of  
100 the General Assembly; and five members by the Governor, two  
101 members by the speaker of the House of Representatives and two  
102 members by the president pro tempore of the Senate whenever the  
103 Governor is an independent. Each member shall be appointed in  
104 accordance with the provisions of section 4-7 of the general statutes, as  
105 amended, and have demonstrated sufficient knowledge by education,  
106 training or experience in several of the following enumerated areas: (1)  
107 Procurement; (2) contract negotiation, selection and drafting; (3)  
108 contract risk assessment; (4) requests for proposals and real estate  
109 transactions; (5) business insurance and bonding; (6) the code of ethics;  
110 (7) federal and state statutes, policies and regulations; (8) outsourcing

111 and privatization proposal analysis; (9) small and minority business  
112 enterprise development; (10) engineering and information  
113 technologies; and (11) personnel and labor relations. Such education,  
114 training or experience shall have been acquired over not less than a  
115 continuous five-year period and shall have been acquired within the  
116 ten-year period preceding such appointment. Nothing in this section  
117 shall be construed to prohibit an appointing authority from selecting a  
118 member of the general public who has demonstrated an interest in  
119 governmental ethics and integrity to serve on the board as such  
120 appointing authority's appointee. The chairperson of the board shall be  
121 appointed by the members of the board. The terms of the members  
122 shall be coterminous with the terms of the appointing authority for  
123 each member. If any vacancy occurs on the board, the appointing  
124 authorities having the power to make the appointment under the  
125 provisions of this subsection shall appoint a person in accordance with  
126 the provisions of this subsection.

127 (b) The State Contracting Standards Board shall be an independent  
128 body within the Executive Department.

129 (c) The chairperson of the board shall be compensated two hundred  
130 dollars per diem up to a maximum of thirty thousand dollars annually.  
131 Other members of the board shall be compensated two hundred  
132 dollars per diem up to a maximum of twenty-five thousand dollars  
133 annually. No person shall serve on the board who holds another state  
134 or municipal governmental position and no person on the board nor  
135 any spouse, child, stepchild, parent or sibling of such person shall be  
136 directly or indirectly involved in any enterprise that does business  
137 with the state.

138 (d) The Governor shall appoint an executive director who shall  
139 serve as an ex-officio, nonvoting member of the board. The executive  
140 director shall be appointed in accordance with the provisions of  
141 section 4-7 of the general statutes, as amended, and may be removed  
142 from office for reasonable cause, in accordance with chapter 67 of the

143 general statutes. The board shall, annually, conduct a performance  
144 evaluation of such executive director.

145 (e) The board may employ secretaries, real estate examiners,  
146 contract specialists, forensic fraud examiners, property and  
147 procurement specialists, paralegals, attorneys and such other  
148 employees as the board deems necessary, all of whom shall be in the  
149 state classified service.

150 (f) The reasonable expenses of the State Contracting Standards  
151 Board and its employees shall be paid from the budget of the board  
152 upon the approval of the board.

153 (g) No employee of the State Contracting Standards Board shall  
154 hold another state or municipal position, nor shall any such employee  
155 or any nonclerical employee or any spouse, child, stepchild, parent or  
156 sibling of such employee of the board be directly or indirectly involved  
157 in any enterprise that does business with the state. Each member and  
158 employee of the State Contracting Standards Board shall file, with the  
159 board and with the Office of State Ethics, a financial statement  
160 indicating all sources of business income of such person in excess of  
161 one thousand dollars, and the name of any business with which such  
162 member or employee is associated, as defined in subsection (b) of  
163 section 1-79 of the general statutes, as amended. Such statement shall  
164 be a public record. Financial statements for the preceding calendar  
165 year shall be filed with the commission on or before April fifteenth of  
166 each year if such employee or member held such a position during the  
167 preceding calendar year.

168 (h) Any violation of the provisions of subsection (c) or (g) of this  
169 section shall constitute a violation of part I of chapter 10 of the general  
170 statutes and may be the subject of a complaint and investigation filed  
171 and conducted in accordance with the provisions of section 1-82 of the  
172 general statutes, as amended.

173 (i) The board shall adopt such rules as it deems necessary for the

174 conduct of its internal affairs, in accordance with section 4-167 of the  
175 general statutes, including, but not limited to, rules of procedure for  
176 any appeal taken pursuant to section 10 of this act and any review  
177 undertaken pursuant to section 12 of this act.

178 (j) Six members of the board shall constitute a quorum which shall  
179 be required for the transaction of business by the board.

180 Sec. 3. (NEW) (*Effective January 1, 2007*) (a) On or before January 1,  
181 2008, the State Contracting Standards Board shall prepare a uniform  
182 procurement code applicable to state contracting agency expenditures,  
183 including, but not limited to, expenditures: (1) By municipalities that  
184 receive state funds, (2) involving any state contracting and  
185 procurement processes, including, but not limited to, leasing and  
186 property transfers, purchasing or leasing of supplies, materials or  
187 equipment, as defined in section 4a-50 of the general statutes,  
188 consultant or consultant services, as defined in section 4b-55 of the  
189 general statutes, as amended, personal service agreements, as defined  
190 in section 4-212 of the general statutes, purchase of service agreements  
191 or privatization contracts, and (3) relating to contracts for the  
192 construction, reconstruction, alteration, remodeling, repair or  
193 demolition of any public building. Nothing in this section shall be  
194 construed to require the application of uniform procurement code  
195 procedures when such procurement involves the expenditure of  
196 federal assistance or contract funds and federal law provides  
197 applicable procurement procedures to the extent such procedures are  
198 inconsistent with the uniform procurement code.

199 (b) The uniform procurement code described in subsection (a) of  
200 this section shall be designed to: (1) Establish uniform contracting  
201 standards and practices among the various state contracting agencies;  
202 (2) simplify and clarify the state's laws governing contracting  
203 standards and procurement policies and practices, including, but not  
204 limited to, procedures for competitive sealed bids, competitive sealed  
205 proposals, small purchases, sole source procurements, emergency

206 procurements and special procurements; (3) ensure the fair and  
207 equitable treatment of all businesses and persons who deal with the  
208 procurement system of the state; (4) include a process to maximize the  
209 use of small contractors and minority business enterprises, as defined  
210 in section 4a-60g of the general statutes, as amended; (5) provide  
211 increased economy in state procurement activities and maximize  
212 purchasing value to the fullest extent possible; (6) ensure that the  
213 procurement of supplies, materials, equipment, services, real property  
214 and construction required by any state contracting agency is obtained  
215 in a cost-effective and responsive manner; (7) preserve and maintain  
216 the existing contracting, procurement, disqualification and termination  
217 authority and discretion of any state contracting agency when such  
218 contracting and procurement procedures represent best practices; (8)  
219 include a process to improve contractor and state contracting agency  
220 accountability; (9) include standards by which state contracting  
221 agencies must evaluate proposals to privatize state or quasi-public  
222 agency services and privatization contract bid proposals. Such  
223 standards shall, at a minimum, include: (A) A requirement for a  
224 comparative costs analysis to be completed prior to any state or quasi-  
225 public agency decision to privatize services, (B) adequate notification  
226 requirements to affected employees and, where applicable, certified  
227 bargaining agents, (C) a requirement for the preparation of an  
228 employee impact statement including measures to be taken by the  
229 bidder to retain qualified state and quasi-public agency employees, (D)  
230 a provision requiring state agencies and quasi-public agencies to  
231 provide adequate information and resources to their employees for the  
232 purpose of encouraging and assisting such state or quasi-public  
233 employees to organize and submit a bid to provide the services that  
234 are the subject of such privatization contract, (E) a requirement that  
235 bidders disclose all relevant information pertaining to past  
236 performance, pending or concluded legal or regulatory proceedings or  
237 complaints, including, but not limited to, compliance with fair  
238 employment practices and nondiscrimination standards, as described  
239 in section 46a-60 of the general statutes, and compliance with federal



240 fair employment and nondiscrimination standards, (F) a requirement  
241 that where any applicable collective bargaining agreement allows  
242 layoffs resulting from privatization, the contract offer available  
243 employee positions pursuant to the contract to qualified regular  
244 employees of the agency whose state employment is terminated  
245 because of such privatization contract provided such employees satisfy  
246 the hiring criteria of the contractor, and (G) provisions for a fair wage  
247 according to objective standards, such as the established wage rate  
248 defined in section 1 of this act; (10) provide that the renewal,  
249 modification, extension or rebidding of a privatization agreement in  
250 effect on or before the effective date of this section, or reentered into  
251 after the effective date of this section, shall be subject to the  
252 procurement code on and after January 1, 2008; (11) establish  
253 standards for leases and lease-purchase agreements and for the  
254 purchase and sale of real estate; and (12) provide a process for  
255 competitive sealed bids, competitive sealed proposals, small  
256 purchases, sole source procurements, emergency procurements,  
257 special procurements, best value selection, qualification based  
258 selection and the conditions for their use.

259 (c) In preparing the uniform procurement code described in  
260 subsection (a) of this section, the State Contracting Standards Board  
261 shall conduct a comprehensive review of existing state contracting and  
262 procurement laws, regulations and practices and shall utilize existing  
263 procurement procedures and guidelines that the board deems  
264 appropriate.

265 (d) Upon request by the State Contracting Standards Board, each  
266 state contracting agency engaged in procurement shall provide the  
267 board, in a timely manner, with such procurement information as the  
268 board deems necessary. The board shall have access to all information,  
269 files and records related to any state contracting agency in furtherance  
270 of this purpose. Nothing in this section shall be construed to require  
271 the board's disclosure of documents that are exempt from disclosure  
272 pursuant to chapter 14 of the general statutes or that may be protected

273 from disclosure under claim of an attorney-client privilege.

274 (e) Such uniform procurement code shall be submitted to the  
275 General Assembly for its approval. The board shall file such code with  
276 the clerks of the House of Representatives and the Senate not later than  
277 January 15, 2008, and not later than January 20, 2008, the speaker of the  
278 House of Representatives and the president pro tempore of the Senate  
279 shall submit such code to the joint standing committee of the General  
280 Assembly having cognizance of matters relating to government  
281 administration and elections. Said committee shall hold a public  
282 hearing on such code and shall report its recommendations, including  
283 any changes thereto, to the House of Representatives and the Senate  
284 concerning the approval or rejection of the code. The General  
285 Assembly shall take a vote on such code not later than the end of the  
286 2008 regular session.

287 Sec. 4. (NEW) (*Effective July 1, 2008*) In addition to the preparation of  
288 the uniform procurement code described in section 3 of this act, the  
289 duties of the State Contracting Standards Board shall include:

290 (1) Recommending the repeal of repetitive, conflicting or obsolete  
291 statutes concerning state procurement;

292 (2) Developing, publishing and maintaining the uniform  
293 procurement code for all state contracting agencies;

294 (3) Assisting state contracting agencies in complying with the code  
295 by providing guidance, models, advice and practical assistance to state  
296 contracting agency staff relating to: (A) Buying the best service at the  
297 best price, (B) properly selecting contractors, and (C) drafting contracts  
298 that achieve state goals and protect taxpayers' interest;

299 (4) Reviewing and certifying that a state contracting agency's  
300 procurement processes are in compliance with the code;

301 (5) Triennially, recertifying each state contracting agency's  
302 procurement processes and providing agencies with notice of any

303 certification deficiency and exercising authority as provided under  
304 section 6 of this act if a determination of noncompliance is made;

305 (6) Defining the training requirements for state contracting agency  
306 procurement professionals;

307 (7) Monitoring implementation of the state contracting portal and  
308 making recommendations for improvement to the Department of  
309 Administrative Services;

310 (8) Defining the contract data retention requirements for state  
311 agencies concerning retention of information on: (A) The number and  
312 type of state contracts currently in effect state-wide, (B) the dollar  
313 value of such contracts, (C) a list of client agencies, (D) a description of  
314 services purchased under such contracts, (E) contractor names, and (F)  
315 an evaluation of contractor performance, and assuring such  
316 information is available on the state contracting portal;

317 (9) Providing the Governor and the joint standing committee of the  
318 General Assembly having cognizance of matters relating to  
319 government administration and elections with recommendations  
320 concerning the uniform procurement code; and

321 (10) Approving an ethics training course for state employees  
322 involved in procurement and for state contractors and substantial  
323 subcontractors who are prequalified pursuant to the provisions of  
324 section 4a-100 of the general statutes, as amended by this act. Such  
325 ethics training course may be developed and provided by the Office of  
326 State Ethics or by any person, firm or corporation provided such  
327 course is approved by the State Contracting Standards Board.

328 Sec. 5. (NEW) (*Effective October 1, 2008*) (a) The State Contracting  
329 Standards Board shall triennially conduct audits of state contracting  
330 agencies to ensure compliance with the uniform procurement code. In  
331 conducting such audit, the State Contracting Standards Board shall  
332 have access to all contracting and procurement records, may interview

333 personnel responsible for contracting, contract negotiation or  
334 procurement and may enter into an agreement with the State Auditors  
335 of Public Accounts to effectuate such audit.

336 (b) Upon completion of any such audit, the State Contracting  
337 Standards Board shall prepare and issue a compliance report for such  
338 state contracting agency. Such report shall identify any process or  
339 procedure that is inconsistent with the uniform procurement code and  
340 indicate those corrective measures the board deems necessary to  
341 comply with code requirements. Such report shall be issued and  
342 delivered not later than thirty days after completion of such audit and  
343 shall be a public record.

344 (c) After notice and hearing, the State Contracting Standards Board  
345 may restrict the authority of any state contracting agency to enter into  
346 any contract or procurement agreement if the board, upon a vote of  
347 two-thirds of the members of the board present and voting for such  
348 purpose, determines that such state contracting agency failed to  
349 comply with statutory contracting and procurement requirements, and  
350 evidenced a reckless disregard for applicable procedures and policy  
351 and such limitation or restriction is in the state's best interest. Such  
352 limitation or restriction shall remain in effect until such time as the  
353 board determines that such state contracting agency has implemented  
354 corrective measures and demonstrated compliance with code  
355 requirements.

356 Sec. 6. (NEW) (*Effective October 1, 2008*) For cause, the State  
357 Contracting Standards Board may review or terminate any contract or  
358 procurement agreement undertaken by any state contracting agency  
359 after providing fifteen days notice to the state contracting agency and  
360 the applicable contractor, and consulting with the Attorney General.  
361 Such termination of a contract or procurement agreement by the board  
362 may occur only upon a vote of two-thirds of the members of the board  
363 present and voting for that purpose. Such action shall be accompanied  
364 by notice to the state contracting agency and any other affected party.

365 For the purpose of this section, "for cause" means: (1) A violation of  
366 section 1-84, 1-86e or 4a-100 of the general statutes, as amended by this  
367 act, (2) wanton or reckless disregard of any state contracting and  
368 procurement process by any person substantially involved in such  
369 contract or state contracting agency, or (3) notification from the  
370 Attorney General to the state contracting agency that an investigation  
371 pursuant to section 4-61dd of the general statutes, as amended,  
372 indicates that the process by which such contract was awarded was  
373 compromised by fraud, collusion or other serious ethical  
374 improprieties.

375 Sec. 7. (NEW) (*Effective October 1, 2008*) (a) After reasonable notice, a  
376 hearing and consultation with the relevant state contracting agency  
377 and the Attorney General, the State Contracting Standards Board may  
378 disqualify any contractor, for a period of up to five years, from bidding  
379 on, applying for, or participating as a subcontractor under, contracts  
380 with the state. Such disqualification shall be upon the vote of two-  
381 thirds of the members of the board present and voting for that  
382 purpose. Such hearing shall be conducted in accordance with chapter  
383 54 of the general statutes. The board shall issue a written decision not  
384 later than ninety days after the conclusion of such hearing and state in  
385 the decision the reasons for the action taken and, if the contractor is  
386 being disqualified, the period of such disqualification. The existence of  
387 a cause for disqualification, as described in subsection (b) of this  
388 section, may not be the sole factor to be considered by the board in  
389 determining whether the contractor shall be disqualified. In  
390 determining whether to disqualify a contractor, the board shall  
391 consider the seriousness of the contractor's acts or omissions and any  
392 mitigating factors. The board shall send the decision to the contractor  
393 by certified mail, return receipt requested. The written decision shall  
394 be a final decision for purposes of sections 4-180 and 4-183 of the  
395 general statutes.

396 (b) Causes for such disqualification shall include the following:

397 (1) Conviction of, or entry of a plea of guilty or nolo contendere or  
398 admission to, the commission of a criminal offense as an incident to  
399 obtaining or attempting to obtain a public or private contract or  
400 subcontract, or in the performance of such contract or subcontract;

401 (2) Conviction of, or entry of a plea of guilty or nolo contendere or  
402 admission to, the violation of any state or federal law for  
403 embezzlement, theft, forgery, bribery, falsification or destruction of  
404 records, receiving stolen property or any other offense indicating a  
405 lack of business integrity or business honesty which affects  
406 responsibility as a state contractor;

407 (3) Conviction of, or entry of a plea of guilty or nolo contendere or  
408 admission to, a violation of any state or federal antitrust, collusion or  
409 conspiracy law arising out of the submission of bids or proposals on a  
410 public or private contract or subcontract;

411 (4) Accumulation of two or more suspensions pursuant to section 8  
412 of this act within a twenty-four-month period;

413 (5) A wilful failure to perform in accordance with the terms of one  
414 or more contracts;

415 (6) A wilful violation of a statutory or regulatory provision or  
416 requirement applicable to a contract;

417 (7) A wilful or egregious violation of the ethical standards set forth  
418 in sections 1-84, 1-86e or 4a-100 of the general statutes, as amended by  
419 this act; or

420 (8) Any other cause the board determines to be so serious and  
421 compelling as to affect responsibility as a state contractor, including,  
422 but not limited to: (A) Disqualification by another state for cause, (B)  
423 the fraudulent, criminal or seriously improper conduct of any officer,  
424 director, shareholder or employee of such contractor, provided such  
425 conduct occurred in connection with the individual's performance of  
426 duties for or on behalf of such contractor and such contractor knew or

427 had reason to know of such conduct, or (C) the existence of an  
428 informal or formal business relationship with a contractor who has  
429 been disqualified from bidding on state contracts.

430 (c) Upon written request by the affected state contractor, the State  
431 Contracting Standards Board may reduce the period or extent of  
432 disqualification for a contractor if documentation supporting any of  
433 the following reasons for modification is provided to the board by the  
434 contractor:

435 (1) Newly discovered material evidence;

436 (2) Reversal of the conviction upon which the disqualification was  
437 based;

438 (3) Bona fide change in ownership or management; or

439 (4) Elimination of other causes for which the disqualification was  
440 imposed.

441 Sec. 8. (NEW) (*Effective October 1, 2008*) (a) After reasonable notice  
442 and a hearing, conducted in accordance with the provisions of chapter  
443 54 of the general statutes, a state contracting agency may suspend any  
444 contractor for a period of not more than six months from bidding on,  
445 applying for or performing work as a subcontractor under, contracts  
446 with the agency. The commissioner or director of any such state  
447 contracting agency shall issue a written decision not later than ninety  
448 days after the conclusion of such hearing and state in the decision the  
449 reasons for the action taken and, if the contractor is being suspended,  
450 the period of such suspension. The existence of a cause for suspension,  
451 as described in subsection (b) of this section, may not be the sole factor  
452 to be considered by the agency in determining whether the contractor  
453 shall be suspended. In determining whether to suspend a contractor,  
454 the state contracting agency shall consider the seriousness of the  
455 contractor's acts or omissions and any mitigating factors. The  
456 commissioner or director of the state contracting agency shall send

457 such decision to the contractor by certified mail, return receipt  
458 requested. Such decision shall be a final decision for purposes of  
459 sections 4-180 and 4-183 of the general statutes.

460 (b) Causes for such suspension shall include the following:

461 (1) Failure without good cause to perform in accordance with  
462 specifications or within the time limits provided in the contract;

463 (2) A record of failure to perform or of unsatisfactory performance  
464 in accordance with the terms of one or more contracts, provided failure  
465 to perform or unsatisfactory performance caused by acts beyond the  
466 control of the contractor shall not be considered to be a basis for  
467 suspension;

468 (3) Any cause the state contracting agency determines to be so  
469 serious and compelling as to affect the responsibility of a state  
470 contractor, including suspension by another state contracting agency  
471 for cause; or

472 (4) A violation of the ethical standards set forth in sections 1-84, 1-  
473 86e and 4a-100 of the general statutes, as amended by this act.

474 (c) The state contracting agency may grant an exception permitting  
475 a suspended contractor to participate in a particular contract or  
476 subcontract upon a written determination by the commissioner or  
477 director of the state contracting agency that there is good cause for  
478 such exception and that such exception is in the best interest of the  
479 state.

480 Sec. 9. (NEW) (*Effective October 1, 2008*) (a) Any bidder on a state  
481 contract may contest the solicitation or award of a contract to the  
482 commissioner of the state agency that awarded such contract. Such  
483 contest shall be submitted, in writing, not later than fourteen days after  
484 such bidder knew or should have known of the facts giving rise to  
485 such contest and shall be limited to the procedural elements of the  
486 solicitation or award process, or claims of an unauthorized or



487 unwarranted, noncompetitive selection process.

488 (b) The commissioner or director of such state contracting agency, or  
489 the commissioner's or director's designee, shall have the authority to  
490 settle and resolve any such contest.

491 (c) In the event such contest is not resolved by mutual agreement,  
492 the commissioner or director of a state contracting agency, or the  
493 commissioner's or director's designee, shall issue a decision, in writing,  
494 not later than thirty days after receipt of any such contest. Such  
495 decision shall:

496 (1) Describe the procedure used by such agency in soliciting and  
497 awarding such contract;

498 (2) Indicate such agency's finding as to the merits of such bidder's  
499 contest; and

500 (3) Inform such bidder of the right to appeal, as provided in section  
501 10 of this act.

502 (d) A copy of such decision shall be provided to such bidder.

503 Sec. 10. (NEW) (*Effective October 1, 2008*) (a) Any bidder may appeal  
504 a decision issued by the commissioner or director of a state contracting  
505 agency, or the commissioner's or director's designee, pursuant to  
506 subsection (c) of section 9 of this act to the State Contracting Standards  
507 Board.

508 (b) Any such appeal shall be filed with the board not later than  
509 fourteen days after such bidder's receipt of a decision issued pursuant  
510 to subsection (c) of section 9 of this act. Such bidder shall set forth the  
511 facts supporting its claim in sufficient detail for the State Contracting  
512 Standards Board to determine whether the procedural elements of the  
513 solicitation or award failed to comply with the code or whether an  
514 unauthorized or unwarranted, noncompetitive selection process was  
515 utilized.

516 (c) Any appeal filed pursuant to subsection (b) of this section shall  
517 not be deemed to prohibit the award or execution of any such  
518 contested contract.

519 (d) The State Contracting Standards Board shall create a three-  
520 member appeals review subcommittee, which shall review any appeal  
521 filed pursuant to subsection (b) of this section and decide whether such  
522 solicitation or award was in compliance with the code, and whether  
523 allegations of an unauthorized or unwarranted, noncompetitive  
524 selection process have been demonstrated. A unanimous vote of such  
525 subcommittee shall be dispositive of any such appeal. A split vote of  
526 such subcommittee shall result in a review of the appeal by the full  
527 membership of the board which, by a vote of two-thirds of its  
528 members present and voting for such purpose, shall decide whether  
529 the solicitation or award of such contract was in compliance with the  
530 code and whether allegations of an unauthorized or unwarranted,  
531 noncompetitive selection process have been demonstrated.

532 (e) Such appeals review subcommittee shall issue a written decision  
533 or take other appropriate action on each appeal not later than ninety  
534 days after the filing of such appeal. A written copy of any such  
535 decision shall be provided to such bidder.

536 (f) In the event of an appeal review by the full board, the board shall  
537 issue a written decision or take other appropriate action on such  
538 appeal not later than ninety days after receipt of the appeal from the  
539 appeals subcommittee. A written copy of any such decision shall be  
540 provided to such bidder.

541 (g) In the event that the appeals review subcommittee or the board  
542 determines that a procedural violation occurred, or that allegations of  
543 an unauthorized or unwarranted, noncompetitive selection process  
544 have been demonstrated, the board shall direct the state contracting  
545 agency to take corrective action not later than thirty days after the date  
546 of the subcommittee's or board's decision, as applicable.

547 (h) In the event such appeal is found to be frivolous by the appeals  
548 review subcommittee or the full board, such frivolous appeal may  
549 serve as a basis for disqualification pursuant to section 7 of this act.

550 (i) Any three members of the board may request a full board review  
551 of any contract deliberation or award process of a state contracting  
552 agency.

553 (j) A decision issued by the board or appeals review subcommittee  
554 under this section shall be final and not subject to appeal under  
555 sections 4-180 and 4-183 of the general statutes.

556 Sec. 11. (NEW) (*Effective October 1, 2008*) There is established a  
557 Contracting Standards Advisory Council, which shall consist of nine  
558 state contracting agency representatives designated by the Governor,  
559 including at least one representative from each of the following: The  
560 Department of Administrative Services, the Department of  
561 Transportation and the Department of Public Works. The advisory  
562 council shall meet at least once a year to discuss problems with  
563 procurement processes and to make recommendations for  
564 improvements to the State Contracting Standards Board. The advisory  
565 council may conduct studies, research and analyses and make reports  
566 and recommendations with respect to subjects or matters within the  
567 jurisdiction of the State Contracting Standards Board.

568 Sec. 12. (NEW) (*Effective January 1, 2007*) (a) On and after October 1,  
569 2008, the powers, duties, obligations and other governmental functions  
570 of the State Properties Review Board, established under subsection (a)  
571 of section 4b-3 of the general statutes, shall transfer to the State  
572 Contracting Standards Board, established under section 2 of this act.  
573 The powers, duties, obligations and other governmental functions of  
574 the State Properties Review Board, shall thereafter vest in the State  
575 Contracting Standards Board, in accordance with the provisions of  
576 sections 4-38d and 4-39 of the general statutes.

577 (b) On or before October 1, 2008, the State Contracting Standards

578 Board shall establish a three-member subcommittee of the board to be  
 579 known as the state properties review subcommittee to perform the  
 580 duties described under subsection (a) of this section. The  
 581 subcommittee shall perform the duties established under subsection  
 582 (a) of this section in accordance with the rules and procedures  
 583 established by the board pursuant to subsection (i) of section 2 of this  
 584 act. The State Contracting Standards Board shall constitute a successor  
 585 department to the State Properties Review Board in accordance with  
 586 the provisions of sections 4-38d and 4-39 of the general statutes.

587 Sec. 13. Subsection (i) of section 4b-91 of the 2006 supplement to the  
 588 general statutes is repealed and the following is substituted in lieu  
 589 thereof (*Effective from passage*):

590 (i) [In the event that the] The General Assembly [approves] may  
 591 approve legislation authorizing an exception to the competitive  
 592 bidding process for a project, provided such legislation is approved, in  
 593 whole, by a two-thirds vote of the members of each house of the  
 594 General Assembly. If rejected, the legislation proposing an exception  
 595 for such project shall not be valid and shall not be implemented. The  
 596 legislation shall be deemed rejected if the General Assembly fails to  
 597 vote to approve or reject the legislation (1) prior to the adjournment of  
 598 the regular session of the General Assembly during which the  
 599 legislation is filed, (2) prior to the adjournment of the next regular  
 600 session of the General Assembly following the date on which the  
 601 legislation is filed if the General Assembly is not in regular session on  
 602 such date, or (3) prior to the adjournment of a special session convened  
 603 before the next regular session of the General Assembly for the  
 604 purpose of considering the legislation if the General Assembly is not in  
 605 regular session on the date on which the legislation is filed. However,  
 606 if the legislation is filed less than thirty days before the end of a regular  
 607 session, the General Assembly may vote to approve or reject the  
 608 legislation (A) not later than thirty days after the first day of a special  
 609 session convened before the next regular session of the General  
 610 Assembly for the purpose of considering the legislation, or (B) not later

611 than thirty days after the first day of the next regular session of the  
 612 General Assembly. In the event that the General Assembly approves  
 613 legislation authorizing an exception to the competitive bidding process  
 614 for a project, the State Properties Review Board shall complete a  
 615 review of the contract for such project and approve or disapprove such  
 616 contract no later than thirty days after the Commissioner of Public  
 617 Works submits such contract to the board. Such review shall be  
 618 conducted in accordance with the provisions of section 4b-3. On and  
 619 after October 1, 2008, such review shall be conducted by the  
 620 subcommittee of the State Contracting Standards Board established  
 621 under subsection (b) of section 12 of this act. In the event that such  
 622 review does not occur within the thirty-day period prescribed by this  
 623 subsection, such contract shall be deemed to be approved.

624       Sec. 14. (NEW) (*Effective from passage*) (a) From the effective date of  
 625 this section, until the passage and signing into law of a procurement  
 626 code as described in section 3 of this act, no state agency may enter  
 627 into a privatization contract other than an emergency procurement as  
 628 defined in section 1 of this act, unless each of the following conditions  
 629 have been met:

630       (1) Such contract is cost effective and fiscally prudent taking into  
 631 consideration comparative costs including all direct and indirect costs  
 632 to the state and the impact of such privatization contract on the public  
 633 health and safety and the residents of Connecticut who use the services  
 634 that are the subject of the privatization contract.

635       (2) Such agency has complied with the provisions of subsection (b)  
 636 of this section.

637       (3) Prior to any state agency's solicitation of bids for a privatization  
 638 contract, such agency shall prepare an analysis of the costs and  
 639 benefits to the agency of (A) privatizing services, and (B) continuing to  
 640 provide such services using state employees of the state agency. Such  
 641 analysis shall include, but not be limited to: (i) An examination of all  
 642 direct and indirect costs to the state, including health insurance,

643 pension costs of state employees, unemployment compensation costs  
644 of state employees terminated as a result of the privatization contract,  
645 gain or loss of income tax and sales tax revenue to the state, and (ii) an  
646 examination of the effect of such proposed privatization on the quality  
647 of service, the public health and safety and residents of the state who  
648 may utilize such privatized service. In determining the cost of  
649 privatizing services, pursuant to this subsection, the state agency shall  
650 calculate labor costs for each employee position at a rate no less than  
651 the middle range salary of a state employee job class substantially  
652 similar to such employee position, or the average salary of employees  
653 who would be displaced by the proposed privatization, whichever is  
654 higher and shall assume comparable benefit costs. Additionally, the  
655 state agency shall include in such cost analysis any costs or penalties  
656 the state may incur if such contract is terminated by the state prior to  
657 the termination date contained in such contract. Each state agency  
658 shall transmit such analysis to the Secretary of the State who shall  
659 maintain copies of each such proposed contract and analysis as public  
660 records and to the Auditors of Public Accounts who may review and  
661 comment on such analysis.

662 (4) At least sixty days prior to publishing any notice soliciting bids  
663 for a privatization contract, a state agency shall notify each collective  
664 bargaining organization representing employees of the agency of such  
665 planned solicitation. After consulting with the potentially affected  
666 bargaining units, if any, the agency shall provide adequate resources  
667 for the purpose of encouraging and assisting present agency  
668 employees to organize and submit a bid to provide the services that  
669 are the subject of the privatization contract. In determining what  
670 resources are adequate for this purpose, the agency shall refer to an  
671 existing collective bargaining agreement of a similar employee  
672 organization whose members perform the subject services, if available,  
673 which agreement provides similar resources in the same or other  
674 agencies. If no such collective bargaining agreement exists, the agency  
675 shall refer to any existing collective bargaining agreements providing  
676 such resources, and shall provide such resources at the minimum level

677 of assistance provided in such agreements. The state agency shall also  
678 provide to the state employees its analysis and any report of the  
679 Auditors of Public Accounts prepared in accordance with this act. The  
680 agency shall consider any such employee bid on the same basis as all  
681 other bids. An employee bid may be made as a joint venture with other  
682 persons.

683 (b) The state agency soliciting bids for a privatization contract shall  
684 require the bidders to include the following information in their bid  
685 submission:

686 (1) The wage rate or annual salary for each employee or, if not  
687 known, each position covered by the privatization contract;

688 (2) An agreement by the bidder or contractor to offer available  
689 employee positions pursuant to the contract to qualified regular  
690 employees of the state agency whose state employment is terminated  
691 because of the privatization contract and who satisfy the hiring criteria  
692 of the contractor;

693 (3) An agreement by the bidder or the contractor to refrain from  
694 engaging in discriminatory employment practices, as defined in  
695 section 46a-51 of the general statutes, and to take affirmative steps to  
696 provide such equal opportunity for all such persons;

697 (4) A report on the length of continuous employment of current  
698 employees of the contractor by job classification, without providing  
699 individually identifiable information on such employees and  
700 information detailing the relevant prior experience of current  
701 employees within each job classification. If the positions identified by  
702 the bidder are newly created positions, the bid shall identify the  
703 minimum requirements for prospective applicants for each such  
704 position;

705 (5) The annual rate of employee turnover;

706 (6) Any legal or administrative proceedings pending or concluded

707 adversely against the applicant or any of the applicant's principals or  
708 key personnel within the past five years that relate to the procurement  
709 or performance of any public or private construction contract,  
710 employee safety and health, labor relations or other employment  
711 requirements and whether the applicant is aware of any investigation  
712 pending against the applicant or any principal or key personnel. Such  
713 information shall specify the date of the complaint, citation, court  
714 finding or administrative finding, the enforcement agency, rule, law or  
715 regulation involved and any additional information the contractor  
716 elects to submit;

717 (7) Any collective bargaining agreements or personnel policies  
718 covering the employees that will provide services to the state; and

719 (8) Any political contributions made by the bidder or any employee  
720 of the bidder who participated substantially in the preparation of the  
721 bid, to any elected officer of the state or member of the General  
722 Assembly during the four years prior to the due date of the bid. For  
723 purposes of this section, "participated substantially" means  
724 participation that was direct, extensive and substantive, not peripheral,  
725 clerical or ministerial.

726 (c) Any state agency selecting a bidder for a privatization contract  
727 shall develop a contract that is acceptable to the bidder and the state  
728 agency provided such contract shall include the following terms:

729 (1) Where any applicable collective bargaining agreement allows  
730 layoffs as a result of privatization, the contractor shall be required to  
731 offer available employee positions pursuant to the contract to qualified  
732 regular employees of the agency whose state employment is  
733 terminated because of the privatization contract and who satisfy the  
734 hiring criteria of the contractor;

735 (2) The contractor shall be prohibited from engaging in  
736 discriminatory employment practices, as defined in section 46a-51 of  
737 the general statutes, and shall take affirmative steps to provide such



738 equal opportunity for all such persons;

739 (3) The contractor shall be required to submit to performance audits  
740 of such contract by the Auditors of Public Accounts on a periodic  
741 basis, as determined by the Auditors of Public Accounts;

742 (4) The contractor shall pay a minimum wage rate no lower than the  
743 established wage under this act; and

744 (5) Such contract shall not become effective until the contractor and  
745 state agency have complied with the provisions of this section.

746 (d) Upon signing such contract, the state agency shall submit such  
747 contract to the Secretary of the State who shall maintain such contract  
748 as a public document. Concomitantly, the state agency shall submit to  
749 the Secretary of the State the following information:

750 (1) A certification that the state agency has complied with all the  
751 requirements of the state agency contained in the provisions of this  
752 section;

753 (2) The state agency analysis prepared in accordance with this  
754 section and a report by the state agency explaining any changes in  
755 such analysis and report as a result of the terms of the proposed  
756 privatization contract;

757 (3) A state agency analysis of the quality of the services to be  
758 provided by the designated bidder and whether such services are  
759 equal to or exceed the quality of services that are provided by regular  
760 agency employees;

761 (4) A certification by the designated bidder that the bidder and its  
762 supervisory employees, while in the employ of the designated bidder,  
763 have no adjudicated record of repeated wilful noncompliance with any  
764 relevant federal or state regulatory law including, but not limited to,  
765 laws concerning labor relations, occupational safety and health,  
766 nondiscrimination and affirmative action, environmental protection

767 and conflicts of interest; and

768 (5) A description of why the proposed privatization contract is in  
769 the public interest.

770 (e) Until January 1, 2009, (1) a privatization contract with a  
771 nonprofit contractor shall not be covered by this section provided such  
772 contract does not result in the layoff, transfer or reassignment of any  
773 state employee; and (2) the renewal, modification, extension or  
774 rebidding of a privatization agreement in effect on or before the  
775 effective date of this section shall not be covered by this section.

776 (f) Any employees, or collective bargaining agent of any employee  
777 adversely affected by any proposed privatization contract may file a  
778 motion for an order to show cause in the superior court for the judicial  
779 district of Hartford claiming that such contract fails to comply with the  
780 substantive or procedural requirements of this act. A ruling on any  
781 such motion may: (1) Deny the motion, if the court finds that all  
782 procedural and substantive provisions of this act have been complied  
783 with; (2) grant the motion if the court finds that the proposed contract  
784 would substantively violate the provisions of this act; or (3) stay the  
785 effective date of the contract until any procedural or substantive defect  
786 found by the court has been corrected.

787 (g) No funds paid to any contractor as a result of any privatization  
788 contract may be used for purposes of lobbying, as defined in section 1-  
789 91 of the general statutes.

790 Sec. 15. (NEW) (*Effective January 1, 2007*) The Office of Policy and  
791 Management shall establish procedures for use by state agencies when  
792 entering purchase of service agreements that shall provide for the  
793 payment of fifty per cent of any unexpended funds allocated for such  
794 contract to the contracting nonprofit agency, partnership or  
795 corporation at the end of such contract, provided the services rendered  
796 under such contract meet the contracted requirements for number,  
797 type and quality of services and there is either an agreed upon price

798 for such services, a set cost for such services or a flat grant for an  
799 agreed upon level of services.

800 Sec. 16. (NEW) (*Effective from passage*) (a) Notwithstanding any  
801 provision of the general statutes, any contract for legal services  
802 between a state agency and any person, firm or corporation that is  
803 entered into on or after July 1, 2007, pursuant to section 3-125 of the  
804 general statutes and that will or that can reasonably be expected to  
805 result in attorney's fees, including, but not limited to, contingent fees  
806 paid to such person, firm or corporation in the amount of two hundred  
807 fifty thousand dollars or more shall be subject to requests for proposals  
808 or requests for qualifications and negotiation procedures.

809 (b) Not later than May 1, 2007, the Attorney General shall establish  
810 requests for proposals or requests for qualifications and negotiation  
811 procedures for use by the office of the Attorney General or any state  
812 agency pursuant to section 3-125 of the general statutes to enter into a  
813 contract described in subsection (a) of this section.

814 Sec. 17. Section 4a-100 of the general statutes is repealed and the  
815 following is substituted in lieu thereof (*Effective January 1, 2007*):

816 (a) As used in this section: (1) "Prequalification" means  
817 prequalification issued by the Commissioner of Administrative  
818 Services to bid on a contract for the construction, reconstruction,  
819 alteration, remodeling, repair or demolition of any public building for  
820 work by the state or a municipality or to perform work under such a  
821 contract as a substantial subcontractor; (2) "subcontractor" means a  
822 person who performs work with a value in excess of twenty-five  
823 thousand dollars for a contractor pursuant to a contract for work for  
824 the state or a municipality which is estimated to cost more than five  
825 hundred thousand dollars; (3) "principals and key personnel" includes  
826 officers, directors, shareholders, members, partners and managerial  
827 employees; (4) "aggregate work capacity rating" means the maximum  
828 amount of work an applicant is capable of undertaking for any and all  
829 projects; [and] (5) "single project limit" means the highest estimated

830 cost of a single project that an applicant is capable of undertaking; and  
 831 (6) "substantial subcontractor" means a person who performs work  
 832 with a value in excess of five hundred thousand dollars for a  
 833 contractor pursuant to a contract for work for the state or a  
 834 municipality which is estimated to cost more than five hundred  
 835 thousand dollars.

836 (b) (1) Any person may apply for prequalification to the Department  
 837 of Administrative Services. Such application shall be made on such  
 838 form as the Commissioner of Administrative Services prescribes and  
 839 shall be accompanied by a nonrefundable application fee as set forth in  
 840 subdivision (2) of this subsection. The application shall be signed  
 841 under penalty of false statement.

842 (2) The application fee shall be as follows:

T1	Aggregate Work Capacity Rating	Fee
T2	\$5,000,000.00 or less	\$600.00
T3	\$5,000,000.01 - \$8,000,000.00	\$750.00
T4	\$8,000,000.01 - \$10,000,000.00	\$850.00
T5	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T6	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T7	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T8	\$40,000,000.01 or more	\$2,500.00

843 (c) The application form shall, at a minimum, require the applicant  
 844 to supply information concerning:

845 (1) The applicant's form of organization;

846 (2) The applicant's principals and key personnel and any names  
 847 under which the applicant, principals or key personnel conducted  
 848 business during the past five years;

849 [(3) The applicant's experience on public and private construction  
 850 projects over the past five years, or on the applicant's ten most

851 recently-completed projects and the names of any subcontractors used  
852 on the projects;]

853 [(4)] (3) Any legal or administrative proceedings pending or  
854 concluded adversely against the applicant or any of the applicant's  
855 principals or key personnel within the past five years which relate to  
856 the procurement or performance of any public or private construction  
857 contract and whether the applicant is aware of any investigation  
858 pending against the applicant or any principal or key personnel;

859 [(5)] (4) The nature of any financial, personal or familial relationship  
860 between the applicant and any public or private construction project  
861 owner listed on the application as constituting construction experience;

862 [(6)] (5) A statement of whether (A) the applicant has been  
863 disqualified pursuant to section 4b-95, this section or section 31-57c or  
864 31-57d, (B) the applicant is on the list distributed by the Labor  
865 Commissioner pursuant to section 31-57a, (C) the applicant is  
866 disqualified or prohibited from being awarded a contract pursuant to  
867 section 31-57b, (D) the applicant has been disqualified by another state,  
868 (E) the applicant has been disqualified by a federal agency or pursuant  
869 to federal law, (F) the applicant's registration has been suspended or  
870 revoked by the Department of Consumer Protection pursuant to  
871 section 20-341gg, (G) the applicant has been disqualified by a  
872 municipality, and (H) the matters that gave rise to any such  
873 disqualification, suspension or revocation have been eliminated or  
874 remedied; and

875 [(7)] (6) Other information as the commissioner deems relevant to  
876 the determination of the applicant's qualifications and responsibilities.

877 (d) The applicant shall include a statement of financial condition  
878 prepared by a certified public accountant which includes information  
879 concerning the applicant's assets and liabilities, plant and equipment,  
880 bank and credit references, bonding company and maximum bonding  
881 capacity, and other information as the commissioner deems relevant to

882 an evaluation of the applicant's financial capacity and responsibility.

883 (e) Information contained in the application shall be current as of  
884 the time of filing except that the statement of financial condition shall  
885 pertain to the applicant's most recently-completed fiscal year.

886 (f) The commissioner shall determine whether to prequalify an  
887 applicant on the basis of the application and on relevant past  
888 performance according to procedures and criteria set forth in  
889 regulations which the commissioner shall adopt on or before October  
890 1, 2005, in accordance with chapter 54. Such criteria shall include, at a  
891 minimum, the record of the applicant's performance, including, but  
892 not limited to, written evaluations of the applicant's performance on  
893 public or private projects, [within the past five years,] the applicant's  
894 past experience on projects of various size and type, the skill, ability  
895 and integrity of the applicant and any subcontractors used by the  
896 applicant, the experience and qualifications of supervisory personnel  
897 employed by the applicant, the maximum amount of work the  
898 applicant is capable of undertaking as demonstrated by the applicant's  
899 financial condition, bonding capacity, size of past projects and present  
900 and anticipated work commitments, and any other relevant criteria  
901 that the commissioner prescribes. Such regulations shall also (1)  
902 provide that the criteria considered shall be assigned separate  
903 designated numerical values and weights and that the applicant shall  
904 be assigned an overall numerical rating on the basis of all criteria, and  
905 (2) establish prequalification classifications, aggregate work capacity  
906 ratings and single project limits. Such prequalification classifications  
907 shall be used to establish the types of work a contractor or substantial  
908 subcontractor is qualified to perform and the aggregate work capacity  
909 ratings shall be used to establish the maximum amount of work a  
910 contractor or substantial subcontractor is capable of undertaking.

911 (g) (1) The applicant shall indicate the prequalification  
912 classifications, aggregate work capacity ratings and single project  
913 limits that are sought. The commissioner may issue a certificate of

914 prequalification to any applicant who meets the requirements of this  
915 section. Such certificate shall be effective for one year from the date  
916 issued and shall indicate the contractor's or substantial subcontractor's  
917 prequalification classifications, aggregate work capacity ratings and  
918 single project limits. The commissioner may cause the initial certificate  
919 of prequalification to be effective for a period not to exceed two years  
920 and may require the applicant to remit payment of the application fee,  
921 as set forth in subsection (b) of this section, for the first twelve months  
922 of certification as well as a prorated application fee, as described in  
923 subdivision (3) of this subsection, for any additional period of  
924 certification beyond the first twelve months.

925 (2) A prequalified contractor or substantial subcontractor may apply  
926 at any time for additional prequalification classifications, aggregate  
927 work capacity ratings or single project limits by submitting the  
928 applicable increase in fee, a completed update statement, and other  
929 information the commissioner requires.

930 (3) The commissioner may renew a prequalification certificate upon  
931 receipt of a completed update statement, any other material the  
932 commissioner requires and a nonrefundable fee in an amount [equal  
933 to] not less than one-half of the application fee for the applicable  
934 aggregate work capacity rating as set forth in subsection (b) of this  
935 section. [, except that in no event shall such fee be less than six  
936 hundred dollars.]

937 (h) Not later than sixty days after receiving a completed application,  
938 the commissioner shall mail or send by electronic mail a notice to the  
939 applicant concerning the commissioner's preliminary determination  
940 regarding the conditions of the prequalification certification, a denial  
941 of certification, a reduction in the level of certification sought or  
942 nonrenewal of certification. Any applicant aggrieved by the  
943 commissioner's preliminary determination may request copies of the  
944 information upon which the commissioner relied in making the  
945 preliminary determination, provided such request is made not later

946 than ten days after the date the notice was mailed or sent by electronic  
947 mail to the applicant. Not later than twenty days after the date the  
948 notice was mailed or sent by electronic mail, the applicant may submit  
949 additional information to the commissioner with a request for  
950 reconsideration. The commissioner shall issue a final determination  
951 regarding the application not later than ninety days after the date the  
952 commissioner mailed or sent by electronic mail the notice of the  
953 preliminary determination, which ninety-day period may be extended  
954 for an additional period not to exceed ninety days if (1) the  
955 commissioner gives written notice to the applicant that the  
956 commissioner requires additional time, and (2) such notice is mailed or  
957 sent by electronic mail during the initial ninety-day period.

958 (i) The commissioner may not issue a prequalification certificate to  
959 any contractor or substantial subcontractor (1) who is disqualified  
960 pursuant to section 31-57c or 31-57d, (2) who has a principal or key  
961 personnel who, within the past five years, has a conviction or has  
962 entered a plea of guilty or nolo contendere for or has admitted to  
963 commission of an act or omission that reasonably could have resulted  
964 in disqualification pursuant to any provision of subdivisions (1) to (3),  
965 inclusive, of subsection (d) of section 31-57c or subdivisions (1) to (3),  
966 inclusive, of subsection (d) of section 31-57d, as determined by the  
967 commissioner.

968 (j) The commissioner may revoke a contractor's or substantial  
969 subcontractor's prequalification or reduce the contractor's or  
970 substantial subcontractor's prequalification classification or aggregate  
971 work capacity ratings, after an opportunity for a hearing, if the  
972 commissioner receives additional information that supports such  
973 revocation or reduction or if such contractor is suspended from  
974 bidding on a state contract pursuant to the provisions of section 8 of  
975 this act.

976 (k) (1) Any materially false statement in the application or any  
977 update statement may, in the discretion of the awarding authority,



978 result in termination of any contract awarded the applicant by the  
979 awarding authority. The awarding authority shall provide written  
980 notice to the commissioner of such false statement not later than thirty  
981 days after discovering such false statement. The commissioner shall  
982 provide written notice of such false statement to the Commissioner of  
983 Public Works and the Commissioner of Consumer Protection not later  
984 than thirty days after discovering such false statement or receiving  
985 such notice.

986 (2) The commissioner shall revoke the prequalification of any  
987 person, after an opportunity for hearing, if the commissioner finds that  
988 the person has included any materially false statement in such  
989 application or update statement, has been convicted of a crime related  
990 to the procurement or performance of any public or private  
991 construction contract has been disqualified by the State Contracting  
992 Standards Board from bidding on state contracts pursuant to section 7  
993 of this act or, within the past five years or has otherwise engaged in  
994 fraud in obtaining or maintaining prequalification. Any person whose  
995 prequalification has been revoked pursuant to this subsection shall be  
996 disqualified for a period of two years after which the person may  
997 reapply for prequalification, except that a person whose  
998 prequalification has been revoked on the basis of conviction of a crime  
999 or engaging in fraud shall be disqualified for a period of five years  
1000 after which the person may reapply for prequalification and a person  
1001 whose prequalification has been revoked on the basis of  
1002 disqualification by the State Contracting Standards Board shall be  
1003 disqualified for the same length of time as the disqualification period  
1004 imposed by the State Contracting Standards Board pursuant to section  
1005 7 of this act. The commissioner shall not prequalify a person whose  
1006 prequalification has been revoked pursuant to this subdivision until  
1007 the expiration of said [two or] two-year, five-year, or other applicable  
1008 disqualification period and the commissioner is satisfied that the  
1009 matters that gave rise to the revocation have been eliminated or  
1010 remedied.

1011 (l) The commissioner shall provide written notice of any revocation,  
1012 disqualification, reduction in classification or capacity rating or  
1013 reinstated prequalification to the Commissioner of Public Works and  
1014 the Commissioner of Consumer Protection not later than thirty days  
1015 after any final determination.

1016 (m) The provisions of this section and section 4a-101 shall not apply  
1017 to subcontractors.

1018 (n) The commissioner shall establish an update statement for use by  
1019 bidders and substantial subcontractors for purposes of renewing or  
1020 upgrading a prequalification certificate and for purposes of submitting  
1021 a bid pursuant to section 4b-91, as amended by this act.

1022 (o) Any applicant aggrieved by the commissioner's final  
1023 determination concerning a preliminary determination, a denial of  
1024 certification, a reduction in prequalification classification or aggregate  
1025 work capacity rating or a revocation or nonrenewal of certification  
1026 may appeal to the Superior Court in accordance with section 4-183.

1027 (p) Not later than one hundred twenty days after becoming  
1028 prequalified, any contractor or substantial subcontractor prequalified  
1029 under the provisions of this section shall participate in an ethics  
1030 training course approved by the State Contracting Standards Board  
1031 pursuant to section 4 of this act.

1032 (q) The commissioner shall adopt regulations, in accordance with  
1033 chapter 54, to establish a schedule of application fees for substantial  
1034 subcontractors.

1035 Sec. 18. Section 4a-101 of the general statutes is repealed and the  
1036 following is substituted in lieu thereof (*Effective January 1, 2007*):

1037 (a) On or before October 1, 2005, the Commissioner of  
1038 Administrative Services shall adopt regulations, in accordance with  
1039 chapter 54, to establish a standard contractor evaluation form. Such  
1040 form shall include, at a minimum, the following evaluation criteria: (1)

1041 Timeliness of performance; (2) quality of performance; (3) cost  
1042 containment, including, but not limited to, the contractor's ability to  
1043 work within the contract's allotted cost, the accuracy of the contractor's  
1044 billing, and the number and cause of change orders and the manner in  
1045 which the contractor determined the price on the change orders; (4)  
1046 safety; (5) the quality of the contractor's working relationship with the  
1047 agency and the quality of the contractor's supervision of the work area;  
1048 (6) communication with the agency; (7) the quality of the contractor's  
1049 required documentation; (8) the performance of the contractor's  
1050 subcontractors and substantial subcontractors, to the extent known by  
1051 the official who completes the evaluation; and (9) the contractor's and  
1052 any subcontractor's compliance with part III of chapter 557, or chapter  
1053 558, or the provisions of the federal Davis-Bacon Act, 40 USC, Sections  
1054 276a to 276a-5, inclusive, as from time to time amended, to the extent  
1055 known by the official who completes the evaluation.

1056 (b) Each public agency shall compile evaluation information during  
1057 the performance of the contract and complete and submit the  
1058 evaluation form to the commissioner after completion of a building  
1059 project under the agency's control if the building project is funded, in  
1060 whole or in part, by state funds. Such evaluation information shall be  
1061 available to any public agency for purposes of assessing the  
1062 responsibility of the contractor during a bid selection and evaluation  
1063 process. The designated official from such agency shall certify that the  
1064 information contained in the evaluation form represents, to the best of  
1065 the certifying official's knowledge, a true and accurate analysis of the  
1066 contractor's performance record on the contract. The commissioner  
1067 shall include the evaluation in the contractor's prequalification file. The  
1068 official shall mail a copy of the completed evaluation form to the  
1069 contractor. Any contractor who wishes to contest any information  
1070 contained in the evaluation form may submit a written response to the  
1071 commissioner not later than thirty days after the date the form was  
1072 mailed as indicated by the postmark on the envelope. Such response  
1073 shall set forth any additional information concerning the building  
1074 project or the oversight of the contract by the public agency that may

1075 be relevant in the evaluation of the contractor's performance on the  
1076 project. The commissioner shall include any such response in the  
1077 contractor's prequalification file.

1078 (c) As used in this section, "public agency" means a public agency,  
1079 as defined in section 1-200, but does not include The University of  
1080 Connecticut with respect to any project, as defined in subdivision (16)  
1081 of section 10a-109c, that is undertaken and controlled by the  
1082 university, and "subcontractor" means a person who performs work  
1083 with a value in excess of twenty-five thousand dollars for a contractor  
1084 pursuant to a contract for work for the state or a municipality which is  
1085 estimated to cost more than five hundred thousand dollars.

1086 (d) Upon fifty per cent completion of any building project under a  
1087 public agency's control, the agency shall advise the contractor in  
1088 writing of the agency's preliminary evaluation of the contractor's  
1089 performance on the project.

1090 (e) No public agency, employee of a public agency or certifying  
1091 official of a public agency shall be held liable to any contractor for any  
1092 loss or injury sustained by such contractor as the result of the  
1093 completion of an evaluation form, as required by this section, unless  
1094 such agency, employee or official is found by a court of competent  
1095 jurisdiction to have acted in a wilful, wanton or reckless manner.

1096 (f) Any public agency that fails to submit a completed evaluation  
1097 form, as required by this section, not later than seventy days after the  
1098 completion of a project, shall be ineligible for the receipt of any public  
1099 funds disbursed by the state for the purposes of the construction,  
1100 reconstruction, alteration, remodeling, repair or demolition of any  
1101 public building or any public works project until such completed  
1102 evaluation form is submitted.

1103 (g) Notwithstanding the provisions of subsection (a) of this section,  
1104 any political subdivision of the state, when evaluating the performance  
1105 of a contractor's subcontractors or substantial subcontractors, to the

1106 extent known, may rely on an evaluation of such subcontractors or  
1107 substantial subcontractors that is conducted by the contractor.

1108       Sec. 19. Section 4b-91 of the 2006 supplement to the general statutes  
1109 is amended by adding subsection (j) as follows (*Effective January 1,*  
1110 *2007*):

1111       (NEW) (j) On and after January 1, 2007, no person whose  
1112 subcontract exceeds five hundred thousand dollars in value may  
1113 perform work as a subcontractor, except for a project described in  
1114 subdivision (2) of subsection (a) of this section, for the construction,  
1115 reconstruction, alteration, remodeling, repair or demolition of any  
1116 public building for work by the state or a municipality, which is  
1117 estimated to cost more than five hundred thousand dollars and is paid  
1118 for, in whole or in part, with state funds, unless the person is  
1119 prequalified in accordance with section 4a-100, as amended by this act.

1120       Sec. 20. Section 4b-56 of the general statutes is repealed and the  
1121 following is substituted in lieu thereof (*Effective from passage*):

1122       (a) There shall be established within the Department of Public  
1123 Works [a] State Construction Services Selection [Panel] Panels which  
1124 shall consist of five members. Four of such members shall be  
1125 appointed by the commissioner, shall be current or retired employees  
1126 of the Department of Public Works and shall serve for [terms of one  
1127 year from July first] deliberations involving the project for which such  
1128 members are appointed. The remaining member shall be appointed by  
1129 the head or acting head of the user agency and shall serve only for  
1130 deliberations involving the project for which [he] such member was  
1131 appointed. [If any vacancy occurs on the panel, the commissioner shall  
1132 appoint a person for the unexpired term in accordance with the  
1133 provisions of this subsection.]

1134       (b) The selection panel shall not be deemed to be a board or  
1135 commission within the meaning of section 4-9a, as amended.

1136 (c) There shall be established within the Department of Public  
1137 Works [a] Connecticut Health and Education Facilities Authority  
1138 Construction Services [Panel] Panels which shall consist of five  
1139 members: Three of whom shall be appointed by the Commissioner of  
1140 Public Works, who shall serve only for deliberations involving the  
1141 project for which such members are appointed and shall be current  
1142 employees of the Department of Public Works; and the remaining  
1143 members shall be appointed by the head or acting head of the user  
1144 agency and shall serve only for deliberations involving the project for  
1145 which such member was appointed. [The members of the selection  
1146 panel appointed by the Commissioner of Public Works shall serve for  
1147 terms of one year from July first. If any vacancy occurs on the panel,  
1148 the Commissioner of Public Works or the head or acting head of the  
1149 user agency, as appropriate, shall appoint a person for the unexpired  
1150 term in accordance with the provisions of this subsection.]

1151 (d) The panel established pursuant to subsection (c) of this section  
1152 shall not be deemed to be a board or commission within the meaning  
1153 of section 4-9a, as amended. Such panel shall be the selection panel  
1154 only for Connecticut Health and Education Facilities Authority  
1155 projects pursuant to section 10a-89b.

1156 Sec. 21. Subsections (a) and (b) of section 4b-100a of the general  
1157 statutes are repealed and the following is substituted in lieu thereof  
1158 (*Effective from passage*):

1159 (a) The Department of Public Works shall establish construction  
1160 services award panels which shall each consist of six members: Three  
1161 of whom shall be appointed by the Commissioner of Public Works,  
1162 [and shall] be current employees of the Department of Public Works  
1163 and serve only for deliberations involving the project for which such  
1164 members are appointed; two of whom shall be appointed by the  
1165 department head of the user agency; and one of whom who shall be a  
1166 neutral party appointed by the commissioner. [The members of each  
1167 award panel appointed by the Commissioner of Public Works shall

1168 serve for terms of one year from July first. If any vacancy occurs on the  
1169 panel, the Commissioner of Public Works or the head or acting head of  
1170 the user agency, as appropriate, shall appoint a person for the  
1171 unexpired term in accordance with the provisions of this subsection.]

1172 (b) A panel established pursuant to this section shall not be deemed  
1173 to be a board or commission within the meaning of section 4-9a. Such  
1174 panels shall be the award panels for any contract for the construction,  
1175 reconstruction, alteration, remodeling, repair or demolition of any  
1176 public building for the state pursuant to [sections 4b-91 to 4b-100,  
1177 inclusive, and] section 4b-24 and subsection (g) of section 4b-91, as  
1178 amended.

1179 Sec. 22. Subsection (b) of section 4b-91 of the 2006 supplement to the  
1180 general statutes is repealed and the following is substituted in lieu  
1181 thereof (*Effective from passage*):

1182 (b) The Commissioner of Public Works, the joint committee or the  
1183 constituent unit, as the case may be, shall determine the manner of  
1184 submission and the conditions and requirements of such bids, and the  
1185 time within which the bids shall be submitted, consistent with the  
1186 provisions of sections 4b-91 to 4b-96, inclusive. Such award shall be  
1187 made within [sixty] one hundred twenty days after the opening of  
1188 such bids. If the general bidder selected as the general contractor fails  
1189 to perform the general contractor's agreement to execute a contract in  
1190 accordance with the terms of the general contractor's general bid and  
1191 furnish a performance bond and also a labor and materials or payment  
1192 bond to the amount specified in the general bid form, an award shall  
1193 be made to the next lowest responsible and qualified general bidder.  
1194 No employee of the Department of Public Works, the joint committee  
1195 or a constituent unit with decision-making authority concerning the  
1196 award of a contract and no public official, as defined in section 1-79,  
1197 may communicate with any bidder prior to the award of the contract if  
1198 the communication results in the bidder receiving information about  
1199 the contract that is not available to other bidders, except that if the

1200 lowest responsible and qualified bidder's price submitted is in excess  
1201 of funds available to make an award, the Commissioner of Public  
1202 Works, the Joint Committee on Legislative Management or the  
1203 constituent unit, as the case may be, may negotiate with such bidder  
1204 and award the contract on the basis of the funds available, without  
1205 change in the contract specifications, plans and other requirements. If  
1206 the award of a contract on said basis is refused by such bidder, the  
1207 Commissioner of Public Works, the Joint Committee on Legislative  
1208 Management or the constituent unit, as the case may be, may negotiate  
1209 with other contractors who submitted bids in ascending order of bid  
1210 prices without change in the contract, specifications, plans and other  
1211 requirements. In the event of negotiation with general bidders as  
1212 provided in this section, the general bidder involved may negotiate  
1213 with subcontractors on the same basis, provided such general bidder  
1214 shall negotiate only with subcontractors named on such general  
1215 bidder's general bid form.

1216       Sec. 23. (NEW) (*Effective January 1, 2007*) (a) This section shall be  
1217 known as the "Anthony J. Tercyak Act".

1218       (b) The Department of Administrative Services shall require any  
1219 publicly traded corporation that seeks to do business with the state to  
1220 certify in an affidavit that such company is not a company that: (1)  
1221 Conducted business in the United States, (2) was previously  
1222 incorporated within the United States' territorial limits, (3)  
1223 reincorporated outside the United States' territorial limits on or after  
1224 July 1, 2006, and (4) as a result of such reincorporation outside the  
1225 United States' territorial limits, has received a reduction in federal or  
1226 Connecticut tax liability.

1227       (c) The state may not enter into any contract with any publicly  
1228 traded company that does not deny such reincorporation in a sworn  
1229 affidavit, except that the Attorney General may waive such prohibition  
1230 if the services sought by the state are not available from a company  
1231 that is incorporated in the United States or if waiver of such



1232 prohibition is in the best interest of the state.

1233 Sec. 24. (NEW) (*Effective July 1, 2007*) (a) As used in this section:

1234 (1) "Fixture" means the assembly that holds a lamp and may include  
1235 an assembly housing, a mounting bracket or pole socket, a lamp  
1236 holder, a ballast, a reflector or mirror and a refractor or lens;

1237 (2) "Full cut-off luminaire" means a luminaire that allows no direct  
1238 light emissions above a horizontal plane through the luminaire's  
1239 lowest light-emitting part;

1240 (3) "Glare" means direct light emitting from a luminaire that causes  
1241 reduced vision or momentary blindness;

1242 (4) "Illuminance" means the level of light measured at a surface;

1243 (5) "Lamp" means the component of a luminaire that produces the  
1244 light;

1245 (6) "Light trespass" means light emitted by a luminaire that shines  
1246 beyond the boundaries of the property on which the luminaire is  
1247 located;

1248 (7) "Lumen" means a unit of measurement of luminous flux;

1249 (8) "Luminaire" means the complete lighting unit, including the  
1250 lamp and the fixture;

1251 (9) "Permanent outdoor luminaire" means any luminaire or system  
1252 of luminaires that is outdoors and intended to be used for seven days  
1253 or longer; and

1254 (10) "State funds" means any bond revenues or any money  
1255 appropriated or allocated by the General Assembly.

1256 (b) Except as provided in subsection (c) of this section, no state  
1257 funds shall be used to install or replace a permanent outdoor luminaire

1258 for lighting on the grounds of any state building or facility unless (1)  
1259 the luminaire is designed to maximize energy conservation and to  
1260 minimize light pollution, glare and light trespass, (2) the luminaire's  
1261 illuminance is equal to the minimum illuminance adequate for the  
1262 intended purpose of the lighting, and (3) for a luminaire with a rated  
1263 output of more than one thousand eight hundred lumens, such  
1264 luminaire is a full cut-off luminaire.

1265 (c) The provisions of subdivision (3) of subsection (b) of this section  
1266 shall not apply to luminaires located on the grounds of any  
1267 correctional institution or facility administered by the Commissioner of  
1268 Correction, required by federal regulations, required for storm  
1269 operation activities performed by the Department of Transportation, or  
1270 in a lighting plan for a Department of Transportation facility where  
1271 less than twenty-five per cent of the luminaires are to be replaced. The  
1272 Commissioner of Public Works, or the commissioner's designee, may  
1273 waive the provisions of subdivision (3) of subsection (b) of this section  
1274 with respect to luminaires on the grounds of any other state building  
1275 or facility when, after a request for such a waiver has been made and  
1276 reviewed, the commissioner or the commissioner's designee  
1277 determines that such a waiver is necessary for the lighting application.  
1278 Requests for such a waiver shall be made to the commissioner or the  
1279 commissioner's designee in such form as the commissioner shall  
1280 prescribe and shall include, without limitation, a description of the  
1281 lighting plan, a description of the efforts that have been made to  
1282 comply with the provisions of subdivision (3) of subsection (b) of this  
1283 section and the reasons such a waiver is necessary. In reviewing a  
1284 request for such a waiver, the commissioner or the commissioner's  
1285 designee shall consider design safety, costs and other factors deemed  
1286 appropriate by the commissioner or the commissioner's designee.

1287 (d) The provisions of this section shall not apply to the installation  
1288 or replacement of luminaires for which the Secretary of the Office of  
1289 Policy and Management (1) conducts a life-cycle cost analysis of one or  
1290 more luminaires that meet the requirements set forth in subsection (b)

1291 of this section and one or more luminaires that do not meet such  
1292 requirements, and (2) certifies that a luminaire which meets such  
1293 requirements is not cost effective and is not the most appropriate  
1294 alternative based on the life-cycle cost analysis.

1295       Sec. 25. Subsection (d) of section 13a-143d of the general statutes is  
1296 repealed and the following is substituted in lieu thereof (*Effective July*  
1297 *1, 2007*):

1298       (d) [Any] All luminaire in violation of any provision of subsection  
1299 (b) or (c) of this section operating prior to October 1, [2003] 2005, shall  
1300 be brought into compliance with the requirements in subsection (b) of  
1301 this section [no later than October 1, 2005] in accordance with the  
1302 following schedule: Approximately twenty per cent by October 1, 2007,  
1303 approximately forty per cent by October 1, 2008, approximately sixty  
1304 per cent by October 1, 2009, approximately eighty per cent by October  
1305 1, 2010, and one hundred per cent by October 1, 2011.

1306       Sec. 26. Subsection (a) of section 1-92 of the 2006 supplement to the  
1307 general statutes is repealed and the following is substituted in lieu  
1308 thereof (*Effective from passage*):

1309       (a) The Citizen's Ethics Advisory Board shall adopt regulations in  
1310 accordance with chapter 54 to carry out the purposes of this part. Such  
1311 regulations shall not be deemed to govern the conduct of any judge  
1312 trial referee in the performance of such judge trial referee's duties  
1313 pursuant to this chapter. Not later than January 1, 1992, the board shall  
1314 adopt regulations which further clarify the meaning of the terms  
1315 "directly and personally received" and "major life event", as used in  
1316 subsection (e) of section 1-79, as amended, and subsection (g) of section  
1317 1-91, as amended. The board shall adopt regulations that further  
1318 clarify the meaning of the term "directly or indirectly involved in any  
1319 enterprise", as used in section 2 of this act.

1320       Sec. 27. (NEW) (*Effective January 1, 2007*) (a) On or before January 1,  
1321 2008, the Judicial Branch shall prepare a procurement code applicable

1322 to its contracting expenditures, including, but not limited to,  
1323 expenditures: (1) Involving its contracting and procurement processes,  
1324 including, but not limited to, purchasing or leasing of supplies,  
1325 materials or equipment, consultant or consultant services, personal  
1326 service agreements or purchase of service agreements, and (2) relating  
1327 to contracts for the renovation, alteration or repair of any Judicial  
1328 Branch facility in accordance with section 4b-1 of the general statutes.

1329 (b) The procurement code described in subsection (a) of this section  
1330 shall be designed to: (1) Establish uniform contracting standards and  
1331 practices; (2) simplify and clarify contracting standards and  
1332 procurement policies and practices, including, but not limited to,  
1333 procedures for competitive sealed bids, competitive sealed proposals,  
1334 small purchases, sole source procurements, emergency procurements  
1335 and special procurements; (3) ensure the fair and equitable treatment  
1336 of all businesses and persons who deal with the procurement system;  
1337 (4) include a process to maximize the use of small contractors and  
1338 minority business enterprises, as defined in section 4a-60g of the  
1339 general statutes; (5) provide increased economy in procurement  
1340 activities and maximize purchasing value to the fullest extent possible;  
1341 (6) ensure that the procurement of supplies, materials, equipment,  
1342 services, real property and construction is obtained in a cost-effective  
1343 and responsive manner; (7) include a process to ensure contractor and  
1344 Judicial Department accountability; and (8) provide a process for  
1345 competitive sealed bids, competitive sealed proposals, small  
1346 purchases, sole source procurements, emergency procurements,  
1347 special procurements, best value selection, qualification based  
1348 selection and the conditions for their use.

1349 (c) On or before February 1, 2008, the Judicial Branch shall submit  
1350 such procurement code for review and approval to the joint standing  
1351 committee of the General Assembly having cognizance of matters  
1352 relating to the Judicial Branch.

1353 (d) Notwithstanding the provisions of subsections (a) and (b) of this

1354 section, the Judicial Branch shall be subject to the requirements of  
1355 section 14 of this act.

1356 Sec. 28. Section 1-210 of the 2006 supplement to the general statutes  
1357 is repealed and the following is substituted in lieu thereof (*Effective*  
1358 *from passage*):

1359 (a) Except as otherwise provided by any federal law or state statute,  
1360 all records maintained or kept on file by any public agency, whether or  
1361 not such records are required by any law or by any rule or regulation,  
1362 shall be public records and every person shall have the right to (1)  
1363 inspect such records promptly during regular office or business hours,  
1364 (2) copy such records in accordance with subsection (g) of section 1-  
1365 212, or (3) receive a copy of such records in accordance with section 1-  
1366 212. Any agency rule or regulation, or part thereof, that conflicts with  
1367 the provisions of this subsection or diminishes or curtails in any way  
1368 the rights granted by this subsection shall be void. Each such agency  
1369 shall keep and maintain all public records in its custody at its regular  
1370 office or place of business in an accessible place and, if there is no such  
1371 office or place of business, the public records pertaining to such agency  
1372 shall be kept in the office of the clerk of the political subdivision in  
1373 which such public agency is located or of the Secretary of the State, as  
1374 the case may be. Any certified record hereunder attested as a true copy  
1375 by the clerk, chief or deputy of such agency or by such other person  
1376 designated or empowered by law to so act, shall be competent  
1377 evidence in any court of this state of the facts contained therein. Each  
1378 such agency shall make, keep and maintain a record of the proceedings  
1379 of its meetings.

1380 (b) Nothing in the Freedom of Information Act shall be construed to  
1381 require disclosure of:

1382 (1) Preliminary drafts or notes provided the public agency has  
1383 determined that the public interest in withholding such documents  
1384 clearly outweighs the public interest in disclosure;

1385       (2) Personnel or medical files and similar files the disclosure of  
1386       which would constitute an invasion of personal privacy;

1387       (3) Records of law enforcement agencies not otherwise available to  
1388       the public which records were compiled in connection with the  
1389       detection or investigation of crime, if the disclosure of said records  
1390       would not be in the public interest because it would result in the  
1391       disclosure of (A) the identity of informants not otherwise known or the  
1392       identity of witnesses not otherwise known whose safety would be  
1393       endangered or who would be subject to threat or intimidation if their  
1394       identity was made known, (B) signed statements of witnesses, (C)  
1395       information to be used in a prospective law enforcement action if  
1396       prejudicial to such action, (D) investigatory techniques not otherwise  
1397       known to the general public, (E) arrest records of a juvenile, which  
1398       shall also include any investigatory files, concerning the arrest of such  
1399       juvenile, compiled for law enforcement purposes, (F) the name and  
1400       address of the victim of a sexual assault under section 53a-70, 53a-70a,  
1401       53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or  
1402       impairing of morals under section 53-21, or of an attempt thereof, or  
1403       (G) uncorroborated allegations subject to destruction pursuant to  
1404       section 1-216;

1405       (4) Records pertaining to strategy and negotiations with respect to  
1406       pending claims or pending litigation to which the public agency is a  
1407       party until such litigation or claim has been finally adjudicated or  
1408       otherwise settled;

1409       (5) (A) Trade secrets, which for purposes of the Freedom of  
1410       Information Act, are defined as information, including formulas,  
1411       patterns, compilations, programs, devices, methods, techniques,  
1412       processes, drawings, cost data, or customer lists that (i) derive  
1413       independent economic value, actual or potential, from not being  
1414       generally known to, and not being readily ascertainable by proper  
1415       means by, other persons who can obtain economic value from their  
1416       disclosure or use, and (ii) are the subject of efforts that are reasonable

1417 under the circumstances to maintain secrecy; and

1418 (B) Commercial or financial information given in confidence, not  
1419 required by statute;

1420 (6) Test questions, scoring keys and other examination data used to  
1421 administer a licensing examination, examination for employment or  
1422 academic examinations;

1423 (7) The contents of real estate appraisals, engineering or feasibility  
1424 estimates and evaluations made for or by an agency relative to the  
1425 acquisition of property or to prospective public supply and  
1426 construction contracts, until such time as all of the property has been  
1427 acquired or all proceedings or transactions have been terminated or  
1428 abandoned, provided the law of eminent domain shall not be affected  
1429 by this provision;

1430 (8) Statements of personal worth or personal financial data required  
1431 by a licensing agency and filed by an applicant with such licensing  
1432 agency to establish the applicant's personal qualification for the  
1433 license, certificate or permit applied for;

1434 (9) Records, reports and statements of strategy or negotiations with  
1435 respect to collective bargaining;

1436 (10) Records, tax returns, reports and statements exempted by  
1437 federal law or state statutes or communications privileged by the  
1438 attorney-client relationship;

1439 (11) Names or addresses of students enrolled in any public school or  
1440 college without the consent of each student whose name or address is  
1441 to be disclosed who is eighteen years of age or older and a parent or  
1442 guardian of each such student who is younger than eighteen years of  
1443 age, provided this subdivision shall not be construed as prohibiting the  
1444 disclosure of the names or addresses of students enrolled in any public  
1445 school in a regional school district to the board of selectmen or town  
1446 board of finance, as the case may be, of the town wherein the student

1447 resides for the purpose of verifying tuition payments made to such  
1448 school;

1449 (12) Any information obtained by the use of illegal means;

1450 (13) Records of an investigation or the name of an employee  
1451 providing information under the provisions of section 4-61dd;

1452 (14) Adoption records and information provided for in sections 45a-  
1453 746, 45a-750 and 45a-751;

1454 (15) Any page of a primary petition, nominating petition,  
1455 referendum petition or petition for a town meeting submitted under  
1456 any provision of the general statutes or of any special act, municipal  
1457 charter or ordinance, until the required processing and certification of  
1458 such page has been completed by the official or officials charged with  
1459 such duty after which time disclosure of such page shall be required;

1460 (16) Records of complaints, including information compiled in the  
1461 investigation thereof, brought to a municipal health authority pursuant  
1462 to chapter 368e or a district department of health pursuant to chapter  
1463 368f, until such time as the investigation is concluded or thirty days  
1464 from the date of receipt of the complaint, whichever occurs first;

1465 (17) Educational records which are not subject to disclosure under  
1466 the Family Educational Rights and Privacy Act, 20 USC 1232g;

1467 (18) Records, the disclosure of which the Commissioner of  
1468 Correction, or as it applies to Whiting Forensic Division facilities of the  
1469 Connecticut Valley Hospital, the Commissioner of Mental Health and  
1470 Addiction Services, has reasonable grounds to believe may result in a  
1471 safety risk, including the risk of harm to any person or the risk of an  
1472 escape from, or a disorder in, a correctional institution or facility under  
1473 the supervision of the Department of Correction or Whiting Forensic  
1474 Division facilities. Such records shall include, but are not limited to:

1475 (A) Security manuals, including emergency plans contained or



1476 referred to in such security manuals;

1477 (B) Engineering and architectural drawings of correctional  
1478 institutions or facilities or Whiting Forensic Division facilities;

1479 (C) Operational specifications of security systems utilized by the  
1480 Department of Correction at any correctional institution or facility or  
1481 Whiting Forensic Division facilities, except that a general description  
1482 of any such security system and the cost and quality of such system  
1483 may be disclosed;

1484 (D) Training manuals prepared for correctional institutions and  
1485 facilities or Whiting Forensic Division facilities that describe, in any  
1486 manner, security procedures, emergency plans or security equipment;

1487 (E) Internal security audits of correctional institutions and facilities  
1488 or Whiting Forensic Division facilities;

1489 (F) Minutes or recordings of staff meetings of the Department of  
1490 Correction or Whiting Forensic Division facilities, or portions of such  
1491 minutes or recordings, that contain or reveal information relating to  
1492 security or other records otherwise exempt from disclosure under this  
1493 subdivision;

1494 (G) Logs or other documents that contain information on the  
1495 movement or assignment of inmates or staff at correctional institutions  
1496 or facilities; and

1497 (H) Records that contain information on contacts between inmates,  
1498 as defined in section 18-84, and law enforcement officers;

1499 (19) Records when there are reasonable grounds to believe  
1500 disclosure may result in a safety risk, including the risk of harm to any  
1501 person, any government-owned or leased institution or facility or any  
1502 fixture or appurtenance and equipment attached to, or contained in,  
1503 such institution or facility, except that such records shall be disclosed  
1504 to a law enforcement agency upon the request of the law enforcement

1505 agency. Such reasonable grounds shall be determined (A) with respect  
1506 to records concerning any executive branch agency of the state or any  
1507 municipal, district or regional agency, by the Commissioner of Public  
1508 Works, after consultation with the chief executive officer of the agency;  
1509 (B) with respect to records concerning Judicial Department facilities,  
1510 by the Chief Court Administrator; and (C) with respect to records  
1511 concerning the Legislative Department, by the executive director of the  
1512 Joint Committee on Legislative Management. As used in this section,  
1513 "government-owned or leased institution or facility" includes, but is  
1514 not limited to, an institution or facility owned or leased by a public  
1515 service company, as defined in section 16-1, as amended, a certified  
1516 telecommunications provider, as defined in section 16-1, as amended, a  
1517 water company, as defined in section 25-32a, or a municipal utility that  
1518 furnishes electric, gas or water service, but does not include an  
1519 institution or facility owned or leased by the federal government, and  
1520 "chief executive officer" includes, but is not limited to, an agency head,  
1521 department head, executive director or chief executive officer. Such  
1522 records include, but are not limited to:

1523 (i) Security manuals or reports;

1524 (ii) Engineering and architectural drawings of government-owned  
1525 or leased institutions or facilities;

1526 (iii) Operational specifications of security systems utilized at any  
1527 government-owned or leased institution or facility, except that a  
1528 general description of any such security system and the cost and  
1529 quality of such system, may be disclosed;

1530 (iv) Training manuals prepared for government-owned or leased  
1531 institutions or facilities that describe, in any manner, security  
1532 procedures, emergency plans or security equipment;

1533 (v) Internal security audits of government-owned or leased  
1534 institutions or facilities;

1535 (vi) Minutes or records of meetings, or portions of such minutes or  
1536 records, that contain or reveal information relating to security or other  
1537 records otherwise exempt from disclosure under this subdivision;

1538 (vii) Logs or other documents that contain information on the  
1539 movement or assignment of security personnel at government-owned  
1540 or leased institutions or facilities;

1541 (viii) Emergency plans and emergency recovery or response plans;  
1542 and

1543 (ix) With respect to a water company, as defined in section 25-32a,  
1544 that provides water service: Vulnerability assessments and risk  
1545 management plans, operational plans, portions of water supply plans  
1546 submitted pursuant to section 25-32d that contain or reveal  
1547 information the disclosure of which may result in a security risk to a  
1548 water company, inspection reports, technical specifications and other  
1549 materials that depict or specifically describe critical water company  
1550 operating facilities, collection and distribution systems or sources of  
1551 supply;

1552 (20) Records of standards, procedures, processes, software and  
1553 codes, not otherwise available to the public, the disclosure of which  
1554 would compromise the security or integrity of an information  
1555 technology system;

1556 (21) The residential, work or school address of any participant in the  
1557 address confidentiality program established pursuant to sections 54-  
1558 240 to 54-240o, inclusive;

1559 (22) The electronic mail address of any person that is obtained by  
1560 the Department of Transportation in connection with the  
1561 implementation or administration of any plan to inform individuals  
1562 about significant highway or railway incidents; and

1563 (23) Responses to any procurement requests for proposals by a  
1564 public agency and any records or files made in connection with a

1565 contract award process by any public agency until the contract is  
1566 awarded or until negotiations for the award of such contract have  
1567 ended, whichever occurs first, provided the chief officer of such public  
1568 agency certifies that the public interest in disclosure of such responses,  
1569 records or files is outweighed by the public interest in confidentiality  
1570 of such responses, records or files.

1571 (c) Whenever a public agency receives a request from any person  
1572 confined in a correctional institution or facility or a Whiting Forensic  
1573 Division facility, for disclosure of any public record under the  
1574 Freedom of Information Act, the public agency shall promptly notify  
1575 the Commissioner of Correction or the Commissioner of Mental Health  
1576 and Addiction Services in the case of a person confined in a Whiting  
1577 Forensic Division facility of such request, in the manner prescribed by  
1578 the commissioner, before complying with the request as required by  
1579 the Freedom of Information Act. If the commissioner believes the  
1580 requested record is exempt from disclosure pursuant to subdivision  
1581 (18) of subsection (b) of this section, the commissioner may withhold  
1582 such record from such person when the record is delivered to the  
1583 person's correctional institution or facility or Whiting Forensic  
1584 Division facility.

1585 (d) Whenever a public agency, except the Judicial Department or  
1586 Legislative Department, receives a request from any person for  
1587 disclosure of any records described in subdivision (19) of subsection  
1588 (b) of this section under the Freedom of Information Act, the public  
1589 agency shall promptly notify the Commissioner of Public Works of  
1590 such request, in the manner prescribed by the commissioner, before  
1591 complying with the request as required by the Freedom of Information  
1592 Act and for information related to a water company, as defined in  
1593 section 25-32a, the public agency shall promptly notify the water  
1594 company before complying with the request as required by the  
1595 Freedom of Information Act. If the commissioner, after consultation  
1596 with the chief executive officer of the applicable agency or after  
1597 consultation with the chief executive officer of the applicable water

1598 company for information related to a water company, as defined in  
1599 section 25-32a, believes the requested record is exempt from disclosure  
1600 pursuant to subdivision (19) of subsection (b) of this section, the  
1601 commissioner may direct the agency to withhold such record from  
1602 such person. In any appeal brought under the provisions of section 1-  
1603 206 of the Freedom of Information Act for denial of access to records  
1604 for any of the reasons described in subdivision (19) of subsection (b) of  
1605 this section, such appeal shall be against the Commissioner of Public  
1606 Works, exclusively, or, in the case of records concerning Judicial  
1607 Department facilities, the Chief Court Administrator or, in the case of  
1608 records concerning the Legislative Department, the executive director  
1609 of the Joint Committee on Legislative Management.

1610 (e) Notwithstanding the provisions of subdivisions (1) and (16) of  
1611 subsection (b) of this section, disclosure shall be required of:

1612 (1) Interagency or intra-agency memoranda or letters, advisory  
1613 opinions, recommendations or any report comprising part of the  
1614 process by which governmental decisions and policies are formulated,  
1615 except disclosure shall not be required of a preliminary draft of a  
1616 memorandum, prepared by a member of the staff of a public agency,  
1617 which is subject to revision prior to submission to or discussion among  
1618 the members of such agency;

1619 (2) All records of investigation conducted with respect to any  
1620 tenement house, lodging house or boarding house as defined in section  
1621 19a-355, or any nursing home, residential care home or rest home, as  
1622 defined in section 19a-490, by any municipal building department or  
1623 housing code inspection department, any local or district health  
1624 department, or any other department charged with the enforcement of  
1625 ordinances or laws regulating the erection, construction, alteration,  
1626 maintenance, sanitation, ventilation or occupancy of such buildings;  
1627 and

1628 (3) The names of firms obtaining bid documents from any state  
1629 agency.

1630 Sec. 29. Subsection (d) of section 4b-91 of the 2006 supplement to the  
1631 general statutes is repealed and the following is substituted in lieu  
1632 thereof (*Effective from passage*):

1633 (d) On and after October 1, 2004, each bid submitted for a contract  
1634 described in subsection (c) of this section shall include a copy of a  
1635 prequalification certificate issued by the Commissioner of  
1636 Administrative Services. The bid shall also be accompanied by an  
1637 update statement in such form as the Commissioner of Administrative  
1638 Services prescribes. The form for such update statement shall provide  
1639 space for information regarding all bonded projects completed by the  
1640 bidder since the date the bidder's prequalification certificate was  
1641 issued or renewed, all bonded projects the bidder currently has under  
1642 contract, including the percentage of work on such projects not  
1643 completed, the names and qualifications of the personnel who will  
1644 have supervisory responsibility for the performance of the contract,  
1645 any significant changes in the bidder's financial position or corporate  
1646 structure since the date the certificate was issued or renewed, any  
1647 change in the contractor's qualification status as determined by the  
1648 provisions of subdivision (6) of subsection (c) of section 4a-100 and  
1649 such other relevant information as the Commissioner of  
1650 Administrative Services prescribes. Any bid submitted without a copy  
1651 of the prequalification certificate and an update statement shall be  
1652 invalid. Any public agency that accepts a bid submitted without a  
1653 copy of such prequalification certificate and an update statement, as  
1654 required by this section, shall be ineligible for the receipt of any state  
1655 funds disbursed for the purpose of the construction, reconstruction,  
1656 alteration, remodeling, repair or demolition of any public building or  
1657 any public works project.

1658 Sec. 30. Subdivision (1) of subsection (a) of section 4a-60g of the  
1659 general statutes is repealed and the following is substituted in lieu  
1660 thereof (*Effective January 1, 2007*):

1661 (1) "Small contractor" means any contractor, subcontractor,

1662 manufacturer or service company (A) which has been doing business  
 1663 under the same ownership and management and has maintained its  
 1664 principal place of business in the state, for a period of at least one year  
 1665 immediately prior to the date of application for certification under this  
 1666 section, (B) which [had gross revenues not exceeding ten million  
 1667 dollars in the most recently completed fiscal year prior to such  
 1668 application] meets the size standard established by the Department of  
 1669 Administrative Services for the business sector in which such  
 1670 contractor, subcontractor, manufacturer or service company primarily  
 1671 operates, and (C) at least fifty-one per cent of the ownership of which  
 1672 is held by a person or persons who exercise operational authority over  
 1673 the daily affairs of the business and have the power to direct the  
 1674 management and policies and receive the beneficial interests of the  
 1675 business, except that a nonprofit corporation shall be construed to be a  
 1676 small contractor if such nonprofit corporation meets the requirements  
 1677 of subparagraphs (A) and (B) of this subdivision.

1678 Sec. 31. Subsection (f) of section 4a-60g of the general statutes is  
 1679 repealed and the following is substituted in lieu thereof (*Effective*  
 1680 *January 1, 2007*):

1681 (f) The awarding authority shall require that a contractor or  
 1682 subcontractor awarded a contract or a portion of a contract under this  
 1683 section perform not less than fifteen per cent of the work with the  
 1684 workforces of such contractor or subcontractor and shall require that  
 1685 not less than twenty-five per cent of the work be performed by  
 1686 contractors or subcontractors eligible for awards under this section. A  
 1687 contractor awarded a contract or a portion of a contract under this  
 1688 section shall not subcontract with any person with whom the  
 1689 contractor is affiliated. No person who is affiliated with another person  
 1690 shall be eligible for awards under this section if both affiliated persons  
 1691 considered together would not qualify as a small contractor or a  
 1692 minority business enterprise under subsection (a) of this section. The  
 1693 awarding authority shall require that a contractor awarded a contract  
 1694 under this section submit, in writing, an explanation of any

1695 subcontract entered into with any person that is not eligible for awards  
1696 under this section.

1697 Sec. 32. Subsection (k) of section 4a-60g of the general statutes is  
1698 repealed and the following is substituted in lieu thereof (*Effective*  
1699 *January 1, 2007*):

1700 (k) (1) Whenever the awarding agency has reason to believe that any  
1701 contractor or subcontractor awarded a set-aside contract has wilfully  
1702 violated any provision of this section, the awarding agency [may] shall  
1703 send a notice to such contractor or subcontractor by certified mail,  
1704 return receipt requested. Such notice shall include: (A) A reference to  
1705 the provision alleged to be violated; (B) a short and plain statement of  
1706 the matter asserted; (C) the maximum civil penalty that may be  
1707 imposed for such violation; and (D) the time and place for the hearing.  
1708 Such hearing shall be fixed for a date not earlier than fourteen days  
1709 after the notice is mailed.

1710 (2) The awarding agency shall hold a hearing on the violation  
1711 asserted unless such contractor or subcontractor fails to appear. The  
1712 hearing shall be held in accordance with the provisions of chapter 54.  
1713 If, after the hearing, the awarding agency finds that the contractor or  
1714 subcontractor has wilfully violated any provision of this section, the  
1715 awarding agency shall suspend all set-aside contract payments to the  
1716 contractor or subcontractor and may, in its discretion, order that a civil  
1717 penalty not exceeding ten thousand dollars per violation be imposed  
1718 on the contractor or subcontractor. If such contractor or subcontractor  
1719 fails to appear for the hearing, the awarding agency may, as the facts  
1720 require, order that a civil penalty not exceeding ten thousand dollars  
1721 per violation be imposed on the contractor or subcontractor. The  
1722 awarding agency shall send a copy of any order issued pursuant to  
1723 this subsection by certified mail, return receipt requested, to the  
1724 contractor or subcontractor named in such order. The awarding agency  
1725 may cause proceedings to be instituted by the Attorney General for the  
1726 enforcement of any order imposing a civil penalty issued under this



1727 subsection.

1728 Sec. 33. Section 4a-81 of the 2006 supplement to the general statutes  
1729 is repealed and the following is substituted in lieu thereof (*Effective*  
1730 *from passage*):

1731 (a) [On] Notwithstanding any provision of the general statutes, on  
1732 and after the effective date of this section, no state agency or quasi-  
1733 public agency shall execute a contract for the purchase of goods or  
1734 services, which contract has a total [value] cost to the state of fifty  
1735 thousand dollars or more in any calendar or fiscal year, unless the state  
1736 agency or quasi-public agency obtains the written affidavit described  
1737 in subsection (b) of this section.

1738 (b) (1) The chief official of the bidder or vendor awarded a contract  
1739 described in subsection (a) of this section or the individual awarded  
1740 such contract who is authorized to execute such contract, shall attest in  
1741 an affidavit as to whether any consulting agreement has been entered  
1742 into in connection with such contract. Such affidavit shall be required  
1743 if any duties of the consultant included communications concerning  
1744 business of such state agency, whether or not direct contact with a  
1745 state agency, state or public official or state employee was expected or  
1746 made. As used in this section "consulting agreement" means any  
1747 written or oral agreement to retain the services, for a fee, of a  
1748 consultant for the purposes of (1) providing counsel to a contractor,  
1749 vendor, consultant or other entity seeking to conduct, or conducting,  
1750 business with the state, (2) contacting, whether in writing or orally,  
1751 any executive, judicial, or administrative office of the state, including  
1752 any department, institution, bureau, board, commission, authority,  
1753 official or employee for the purpose of solicitation, dispute resolution,  
1754 introduction, requests for information or (3) any other similar activity  
1755 related to such contract. Consulting agreement does not include any  
1756 agreements entered into with a consultant who is registered under the  
1757 provisions of chapter 10 of the general statutes as of the date such  
1758 affidavit is submitted in accordance with the provisions of this section.

1759 (2) Such affidavit shall be sworn as true to the best knowledge and  
1760 belief of the person signing the certification on the affidavit and shall  
1761 be subject to the penalties of false statement.

1762 (3) Such affidavit shall include the name of the consultant, the  
1763 consultant's firm, the basic terms of the consulting agreement, a brief  
1764 description of the services provided, and an indication as to whether  
1765 the consultant is a former state employee or public official. If the  
1766 consultant is a former state employee or public official, such affidavit  
1767 shall indicate his or her former agency and the date such employment  
1768 terminated.

1769 (4) Such affidavit shall be amended whenever the bidder or vendor  
1770 awarded the contract enters into any new consulting agreement during  
1771 the term of such contract.

1772 (c) Each state agency and quasi-public agency shall include a notice  
1773 of the affidavit requirements of this section in the bid specifications or  
1774 request for proposals for any contract that is described in subsection  
1775 (a) of this section.

1776 (d) In the event that a bidder or vendor refuses to submit the  
1777 affidavit required under subsection (b) of this section, such bidder or  
1778 vendor shall be disqualified and the state agency or quasi-public  
1779 agency shall award the contract to the next highest ranked vendor or  
1780 the next lowest responsible qualified bidder or seek new bids or  
1781 proposals.

1782 Sec. 34. Subsection (c) of section 1-101nn of the 2006 supplement to  
1783 the general statutes is repealed and the following is substituted in lieu  
1784 thereof (*Effective January 1, 2007*):

1785 (c) Any person who [violates] has been found in violation of any  
1786 provision of this section by the Office of State Ethics, in accordance  
1787 with the provisions of section 1-82, as amended, may be deemed a  
1788 nonresponsible bidder by a state agency, board, commission or

1789 institution or quasi-public agency.

1790 Sec. 35. Subdivision (19) of subsection (d) of section 2c-2b and  
 1791 section 4b-3 of the general statutes are repealed. (*Effective October 1,*  
 1792 *2008*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>January 1, 2007</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	New section
Sec. 6	<i>October 1, 2008</i>	New section
Sec. 7	<i>October 1, 2008</i>	New section
Sec. 8	<i>October 1, 2008</i>	New section
Sec. 9	<i>October 1, 2008</i>	New section
Sec. 10	<i>October 1, 2008</i>	New section
Sec. 11	<i>October 1, 2008</i>	New section
Sec. 12	<i>January 1, 2007</i>	New section
Sec. 13	<i>from passage</i>	4b-91(i)
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>January 1, 2007</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>January 1, 2007</i>	4a-100
Sec. 18	<i>January 1, 2006</i>	4a-101
Sec. 19	<i>January 1, 2007</i>	4b-91
Sec. 20	<i>from passage</i>	4b-56
Sec. 21	<i>from passage</i>	4b-100a(a) and (b)
Sec. 22	<i>from passage</i>	4b-91(b)
Sec. 23	<i>January 1, 2007</i>	New section
Sec. 24	<i>July 1, 2007</i>	New section
Sec. 25	<i>July 1, 2007</i>	13a-143d(d)
Sec. 26	<i>from passage</i>	1-92(a)
Sec. 27	<i>January 1, 2007</i>	New section
Sec. 28	<i>from passage</i>	1-210
Sec. 29	<i>from passage</i>	4b-91(d)
Sec. 30	<i>January 1, 2007</i>	4a-60g(a)(1)
Sec. 31	<i>January 1, 2007</i>	4a-60g(f)

Sec. 32	<i>January 1, 2007</i>	4a-60g(k)
Sec. 33	<i>from passage</i>	4a-81
Sec. 34	<i>January 1, 2007</i>	1-101nn(c)
Sec. 35	<i>October 1, 2008</i>	Repealer section

***Statement of Purpose:***

Reform of the state contracting process.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*